

AMENDED IN ASSEMBLY JULY 6, 2015

AMENDED IN SENATE JUNE 1, 2015

AMENDED IN SENATE APRIL 6, 2015

SENATE BILL

No. 311

**Introduced by Senator Beall
(Coauthor: Senator Wieckowski)**

February 23, 2015

An act to add and repeal Article ~~7.5~~ 7.6 (commencing with Section ~~8239.5~~ 8239.15) of Chapter 2 of Part 6 of Division 1 of Title 1 of the Education Code, relating to preschool, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 311, as amended, Beall. Child Care and Development Services Act: preschool: Alum Rock Union Elementary School District: pilot project.

Existing law provides that it is the intent of the Legislature that in providing child development programs the Superintendent of Public Instruction give priority to children of families that qualify under applicable federal statutes or regulations as recipients of public assistance and other low-income and disadvantaged families. Existing law authorizes the City and County of San Francisco, until July 1, 2016, and as a pilot project, to develop and implement an individualized county child care subsidy plan, as provided. Existing law requires the Superintendent to administer all California state preschool programs, which include part-day age and developmentally appropriate programs for 3- and 4-year-old children, as provided. Existing law provides that 3- and 4-year-old children are eligible for the state part-day preschool

program if the family meets one of several eligibility requirements, including income eligibility.

This bill would authorize the Alum Rock Union Elementary School District, located in the County of Santa Clara, *and a preschool program, as defined*, as a pilot project until ~~January 1, 2022~~, *June 30, 2021*, to develop and implement an individualized eligibility part-day preschool ~~subsidy~~ plan for children residing in the school district for purposes of attending a ~~state-funded part-day~~ preschool program in the school district. The bill would require the school district ~~to consult with and the preschool programs, as defined, and program to consult with the Santa Clara County Office of Education and First 5 Santa Clara County~~ in developing the plan. The bill would require the plan to include ~~specified elements relating to~~ *elements. The bill would establish certain requirements relating to* eligibility and age of preschool program participation. The bill would require the plan, *and any modifications to the plan*, to be submitted to, and approved by, ~~the Santa Clara County Local Child Care Planning Council and the governing board of the school district. The bill would require the governing board of the school district, upon approval, to submit the plan or modifications to the Early Education and Support Division of the State Department of Education. Education for approval, as provided.~~ The bill would require the school district *and the preschool program* to submit an annual report to the Legislature and the department, as provided, ~~and a final~~ *an additional* report on or before December 31, ~~2022~~, *2020*, *that provides recommendations as to whether the pilot project should continue as a permanent program.* The bill would provide that no additional state funds shall be appropriated for purposes of implementing the above provisions.

This bill would make legislative findings and declarations as to the necessity for special legislation.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Article ~~7.5~~ 7.6 (commencing with Section ~~8239.5~~)
- 2 ~~8239.15~~) is added to Chapter 2 of Part 6 of Division 1 of Title 1
- 3 of the Education Code, to read:

Article 7.5: 7.6. Individualized Eligibility Part-Day Preschool
Subsidy Plan for Alum Rock Union Elementary School District

~~8239.5.~~

8239.15. For purposes of this article, the following terms have
the following meanings:

(a) “School district” means the Alum Rock Union Elementary
School District, located in the County of Santa Clara.

(b) (1) “Preschool program” means ~~a state-funded part-day
preschool program that operates in the school district.~~ *an agency
that holds a California state preschool program (Article 7
(commencing with Section 8235)) contract with the department as
of July 1, 2015, has a memorandum of understanding with the
school district, and holds a license pursuant to Article 2
(commencing with Section 1596.80) of Chapter 3.4 of Division 2
of the Health and Safety Code for preschool services within a
transitional kindergarten classroom in the school district.*

(2) *The memorandum of understanding between the school
district and the preschool program shall clarify the use of facilities,
shared goals of the pilot project, and the responsibilities of both
parties.*

~~8239.6.~~

8239.16. *The school district and the preschool program, in
consultation with the Santa Clara County Office of Education and
First 5 Santa Clara County, as a pilot project, may develop and
implement an individualized eligibility part-day preschool-subsidy
plan for children residing in the school district for purposes of
attending a preschool program in the school district. The plan shall
ensure that child care subsidies received by a preschool program
are used to address local needs, conditions, and priorities of
families in the school district and for preparing children for
kindergarten and grades 1 to 12, inclusive. include, but not be
limited to, all of the following:*

(a) *Elements to address local needs, conditions, and priorities
of families in the school district for purposes of preparing children
for kindergarten and grades 1 to 12, inclusive.*

(b) *Increasing access to preschool in the school district to
prepare children for transitional kindergarten and kindergarten.*

(c) *The provision of supplemental services to children in
transitional kindergarten.*

1 (d) *The provision of parent education, parent engagement, and*
2 *family support services.*

3 (e) *Systems to facilitate transition of children and their families*
4 *from a federal Head Start program and preschool to transitional*
5 *kindergarten and kindergarten.*

6 (f) *Increasing collaboration between preschool, transitional*
7 *kindergarten, and kindergarten teachers.*

8 ~~8239.7. Before implementing the plan, the school district, in~~
9 ~~consultation with any preschool program and the Santa Clara Office~~
10 ~~of Education, shall develop an individualized eligibility part-day~~
11 ~~preschool subsidy plan that shall include both of the following:~~

12 8239.17 (a) *Notwithstanding any other law, eligibility to*
13 ~~participate in the preschool program services offered under the~~
14 ~~pilot project shall be based on either of the following conditions:~~

15 (1) *The child is eligible for free or reduced-price meals, as that*
16 *term is used in subdivision (a) of Section 42238.01, or participates*
17 *in the federal Child and Adult Care Food Program (42 U.S.C. Sec*
18 *1766; 7 C.F.R. 226.20).*

19 (2) *The child is a foster youth, as that term is used in subdivision*
20 *(b) of Section 42238.01.*

21 (b) *Notwithstanding any other law, children up to the age of*
22 ~~admission into first grade kindergarten pursuant to Section 48000~~
23 ~~shall be allowed to participate in the preschool program services~~
24 ~~offered under the pilot project.~~

25 ~~8239.8.~~

26 8239.18. (a) *The plan and any modifications to the plan shall*
27 ~~be submitted to, and approved by, to the Santa Clara County Local~~
28 ~~Child Care Planning Council and the Early Education and Support~~
29 ~~Division of the department governing board of the school district,~~
30 ~~for approval by the governing board of the school district. Upon~~
31 ~~approval by the governing board of the school district, the plan~~
32 ~~or modifications to the plan shall be submitted to the Early~~
33 ~~Education and Support Division of the department for review.~~

34 (b) *Within 30 days of receiving the plan or modifications, the*
35 *Early Education and Support Division shall review and either*
36 *approve or disapprove the plan or the modifications.*

37 (c) *The Early Education and Support Division may disapprove*
38 *only those portions of the plan or modifications to the plan that*
39 *are not in conformance with this article or that are in conflict with*
40 *federal law.*

1 ~~8239.9.~~

2 8239.19. (a) Upon approval of the plan, pursuant to Section
3 ~~8239.8~~ 8239.18, the school district, in consultation with the district
4 and the preschool program, in consultation with the Santa Clara
5 County Office of Education, Education and First 5 Santa Clara
6 County, shall prepare and submit an annual report to the Legislature
7 and the department that summarizes the success of the pilot project.
8 project, and shall demonstrate all of the following, as applicable:

9 (1) By the end of the first fiscal year of operation under the
10 approved pilot project plan, an increase in the enrollment of
11 children who are eligible for free meals under the free or
12 reduced-price meal program, as that term is used in subdivision
13 (a) of Section 42238.01, as compared to the first quarter of the
14 pilot project under the approved plan.

15 (2) By the end of the second fiscal year of operation under the
16 approved pilot project plan, an increase in the percentage of
17 children who are eligible for free meals under the free or
18 reduced-price meal program, as that term is used in subdivision
19 (a) of Section 42238.01, as compared to the first quarter of the
20 pilot project under the approved plan of 3 percent.

21 (3) By the end of the first fiscal year of operation under the
22 approved pilot project plan, an increase of 3 percent of the child
23 days of enrollment of children receiving child development services
24 under a California state preschool program (Article 7 (commencing
25 with Section 8235)) contract over the 2014–15 fiscal year.

26 (b) The school district and the preschool program, in
27 consultation with the preschool program, the Santa Clara County
28 Office of Education, Education and First 5 Santa Clara County,
29 shall submit a final report to the Legislature and the department
30 on or before December 31, ~~2022~~, 2020, that shall provide
31 recommendations as to whether the pilot project should continue
32 as a permanent program.

33 (c) A report submitted to the Legislature pursuant to this section
34 shall be submitted in compliance with Section 9795 of the
35 Government Code.

36 ~~8239.10.~~

37 8239.20. The school district and the preschool program may
38 implement an individualized eligibility part-day preschool subsidy
39 plan as a pilot project pursuant to this article until January 1, 2022,
40 June 30, 2021, at which date the school district shall terminate the

1 plan and implement the state’s requirements for subsidized part-day
2 preschools. A child enrolling for the first time in a preschool
3 program in the school district after ~~January 1, 2022~~, *June, 30, 2021*,
4 shall not be enrolled in the pilot project established pursuant to
5 this article, and shall be subject to existing state laws and
6 regulations regarding preschool eligibility.

7 *8239.21. Sharing of information between the school district*
8 *and the preschool program shall be in accordance with the federal*
9 *Family Educational Rights and Privacy Act of 1974 (20 U.S.C.*
10 *Sec. 1232g) and any federal regulations adopted pursuant thereto.*

11 ~~8239.11.~~

12 8239.22. Additional state funds shall not be appropriated for
13 purposes of implementing this article.

14 ~~8239.12.~~

15 8239.23. This article shall remain in effect only until January
16 1, ~~2023~~, 2022, and as of that date is repealed, unless a later enacted
17 statute, that is enacted before January 1, ~~2023~~, 2022, deletes or
18 extends that date.

19 SEC. 2. The Legislature finds and declares that a special law
20 is necessary and that a general law cannot be made applicable
21 within the meaning of Section 16 of Article IV of the California
22 Constitution because of the unique circumstances of the Alum
23 Rock Union Elementary School District, in the County of Santa
24 Clara. The school district has a high level of children who live in
25 poverty, children who are English language learners, children who
26 are part of a minority group, and children who are exposed to
27 violence in their community. The school district is particularly
28 focused on significantly increasing pupil achievement and parent
29 engagement and this act will achieve this by offering preschool
30 services to children and families in the school district.

31 SEC. 3. This act is an urgency statute necessary for the
32 immediate preservation of the public peace, health, or safety within
33 the meaning of Article IV of the Constitution and shall go into
34 immediate effect. The facts constituting the necessity are:

35 The start of ~~a~~ the 2015–16 school year begins in August. This
36 act will prevent needless hours and paperwork to certify eligibility
37 past the August start date. Therefore, in order to eliminate the
38 barriers for families to access state preschool and to remove the

- 1 paperwork burden on families and agencies in time for the new
- 2 school year, it is necessary that this act take effect immediately.

O